

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

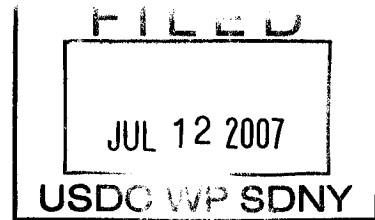
-----X  
YOLANDA ROMERO, on behalf of herself  
and all others similarly situated,

Plaintiff,

-against-

FINANCIAL ENTERPRISES, INC.

Defendant.  
-----X



CLASS ACTION COMPLAINT

JURY TRIAL DEMANDED

**07 CIV. 6378  
BATTS**

Plaintiff, by and through her undersigned attorneys, alleges upon knowledge as to herself and her own acts, and as to all other matters upon information and belief, brings this complaint against the above-named defendant, its employees, agents, and successors, and in support thereof alleges the following:

PRELIMINARY STATEMENT

1. Plaintiff brings this action on her own behalf and on behalf of all others similarly situated for damages and declaratory and injunctive relief arising from defendant's violation of §1692 *et. seq.* of Title 15 of the United States Code, the Fair Debt Collections Practices Act (hereinafter "FDCPA"), which prohibits debt collectors from engaging in abusive, deceptive and unfair practices.

JURISDICTION AND VENUE

2. This Court has jurisdiction over this action pursuant to 28 U.S.C. § 1331. This is an action for violation of 15 U.S.C. § 1692.

3. Venue is proper in this district under 28 U.S.C. § 1391(b)(2).

PARTIES

4. Plaintiff Yolanda Romero (hereinafter "Romero") is a resident of the State of New York, Bronx County.

5. Defendant Financial Enterprises, Inc. is a Colorado corporation primarily engaged in the business of collecting debts with his principal place of business located at 3410 South Galena Street, Suite 250, Denver, Colorado 80231. The principal purpose of defendant is the collection of debts using the mails and telephone, and the defendant regularly attempts to collect debts alleged to be due another.

CLASS ACTION ALLEGATIONS

6. Plaintiff brings this action as a class action, pursuant to Rule 23 of the Federal Rules of Civil Procedure (hereinafter "FRCP"), on behalf of herself and all consumers who have received debt collection notices and/or letters from the defendant which are in violation of the FDCPA, as of the date of plaintiff's complaint, and their successors in interest (the "Class"). Excluded from the Class is the defendant herein, and any person, firm, trust, corporation, or other entity related to or affiliated with the defendant, including, without limitation, persons who are employees, associates or partners of defendant.

7. This action is properly maintained as a class action. This Class satisfies all the requirements of Rule 23 for maintaining a class action.

8. The Class is so numerous that joinder of all members is impracticable. Upon information and belief, hundreds of persons have received debt collection notices from the defendant which violate various provisions of the FDCPA.

9. There are questions of law and fact which are common to the Class and which predominate over questions affecting any individual Class member. These common questions of law and fact include, without limitation:

a. Whether the defendant violated various provisions of the FDCPA, including but not limited to 15 U.S.C. §§ 1692e(5), 1692e(10) and 1692e(14).

b. Whether plaintiff and the Class have been injured by defendant's conduct;

c. Whether plaintiff and the Class have sustained damages and are entitled to restitution as a result of defendant's wrongdoing and, if so, what is the proper measure and appropriate statutory formula to be applied in determining such damages and restitution; and

d. Whether plaintiff and the Class are entitled to declaratory and/or injunctive relief.

10. Plaintiff's claims are typical of the claims of the Class, and plaintiff has no interests adverse or antagonistic to the interests of other members of the Class.

11. Plaintiff will fairly and adequately protect the interests of the Class and has retained experienced counsel, competent in the prosecution of class action litigation.

12. A class action is superior to other methods for the fair and efficient adjudication of the claims herein asserted. Plaintiff anticipates that no unusual difficulties are likely to be encountered in the management of this class action.

13. A class action will permit a large number of similarly situated persons to prosecute their common claims in a single forum simultaneously, efficiently, and without the duplication of effort and expense that numerous individual actions would engender. Class treatment also will permit the adjudication of relatively small claims by many Class members who could not otherwise afford to seek legal redress for the wrongs complained of herein. Absent a class action the Class members will continue to suffer losses of statutorily protected rights as well as monetary damages and if defendants' conduct will proceed without remedy they will continue to reap and retain the proceeds of their ill-gotten gains.

14. Defendant has acted on grounds generally applicable to the entire Class, thereby making appropriate final injunctive relief or corresponding declaratory relief with respect to the Class as a whole.

#### STATEMENT OF FACTS

15. On or about June 4, 2007, defendant mailed a letter to plaintiff demanding payment of a debt allegedly owed to NCO. A copy of said letter is annexed hereto as Exhibit A.

16. The letter contained the following letterhead

“Wyse Financial Services, Inc.”

17. Upon information and belief, the true name of the debt collector's business is Financial Enterprises, Inc.

18. Upon information and belief, defendant does not maintain the required City of New York collection agency license.

19. As a result of defendants' abusive, deceptive and unfair debt collection practices of publishing a name other than its true name and collecting debt without a proper license, plaintiff has been damaged.

FIRST CAUSE OF ACTION  
(Violations of the FDCPA)

20. Each of the above allegations is incorporated herein.

21. Defendant's debt collection letter violated various provisions of the FDCPA, including but not limited to 15 U.S.C. §§ 1692e(5), 1692e(10) and 1692e(14) by using a name other than the true name of the debt collector's business.

22. As a result of defendant's violation of the FDCPA, plaintiff has been damaged and is entitled to statutory damages, costs and attorney's fees.

**WHEREFORE**, plaintiff respectfully requests that the Court enter judgment as follows:

a) Declaring that this action is properly maintainable as a class action and certifying plaintiff as Class representative;

- b) Issue a preliminary and permanent injunction restraining defendants, their employees, agents and successors from, *inter alia*, engaging in conduct and practices that are in violation of the FDCPA;
- c) Issue a declaratory Order requiring defendants to make corrective disclosures;
- d) Awarding plaintiff statutory damages;
- e) Awarding plaintiff costs of this action, including reasonable attorneys' fees and expenses; and
- f) Awarding plaintiff such other and further relief as the Court may deem just and proper.

DEMAND FOR TRIAL BY JURY

Pursuant to Rule 38 of the FRCP, plaintiff hereby demands a trial by jury.

Dated: June 28, 2007  
Uniondale, New York



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Uniondale, New York 11556-0626

Telephone (516) 522-2621  
Facsimile (888) 522-1692





**Wyse Financial Services, Inc.**  
 3410 South Galena Street, Suite 250  
 Denver, CO 80231  
 (800) 944-3828 • (303) 813-1601

June 1 2007

Yolanda Romero  
 3341 Reservoir Oval W  
 Bronx NY 10467-3122

Re: NCO PORTFOLIO MANAGEMENT  
 Reference #: 2178555  
 Balance Owing: \$25995.01  
 Creditor: NCO/ASGNE OF MBNA

The above referenced creditor has placed a claim against you with this office. Assuming your failure to pay this obligation previously was due to an oversight, we are mailing this notice in advance of any collection steps taken by our office so that you may have the opportunity to make payment in full.

This communication is from a debt collector. This is an attempt to collect a debt. Any information obtained will be used for that purpose. Unless you notify this office within 30 days after receiving this notice that you dispute the validity of this debt or any portion thereof, this office will assume this debt to be valid. If you notify this office in writing within 30 days from receiving this notice, this that you dispute the validity of this debt or any portion thereof, office will obtain verification of the debt or obtain a copy of a judgment if one exists, and mail you a copy of such judgment or verification. If you request this office in writing within 30 days after receiving this notice, this office will provide you the name and address of the original creditor, if different from the current creditor.

FOR INFORMATION ABOUT THE COLORADO FAIR DEBT COLLECTION PRACTICES ACT, SEE  
[WWW.AGO.STATE.CO.US/CADC/CADCMAN.CFM](http://WWW.AGO.STATE.CO.US/CADC/CADCMAN.CFM)

Please contact us at 800-944-3828 to discuss this matter or make your check or money order payable to:

Wyse Financial Services, Inc. • 3410 S Galena St, #250 • Denver CO 80231-5088

We are active members of the following credit reporting agencies:

TRW/Experian

Trans Union

CBI/Equifax

Please review the Privacy Notice contained on the back of this letter for an explanation of the Account Owners policies and procedures regarding the use of non-public, personal information.

All inquiries regarding this account should be addressed to our office and not to the creditor as noted above.

003165WYSEN001TY65E91599

\*\*\* Please detach below and return in the enclosed envelope with your payment \*\*\*

PO Box 505  
 Linden MI 48451-0505  
 ADDRESS SERVICE REQUESTED

Re: NCO PORTFOLIO MANAGEMENT  
 Reference #: 2178555  
 Balance Owing: \$25995.01

#BWNKGZZ  
 #TY65E91599# 2178555-NCOLTRI  
 Yolanda Romero  
 3341 Reservoir Oval W  
 Bronx NY 10467-3122

IF YOU WISH TO PAY BY VISA OR MASTERCARD (CIRCLE ONE) FILL IN THE INFORMATION BELOW AND RETURN A COPY OF THIS LETTER TO US IN THE ENCLOSED ENVELOPE.		
Account Number	Payment Amount	Expire Date
Card Holder Name	Signature of Card Holder	

Wyse Financial Services, Inc.  
 3410 S Galena St, #250  
 Denver CO 80231-5088